IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.38381 of 2008
MANJU SAH,
Son of Uchhanti Sah,
Resident of Village & P.O.- Nawada, Police Station- Masrakh,
District- Saran :Petitioner.
Versus
STATE OF BIHAR:------Opposite Party.

For the petitioner : Mr. Jitendra Kumar, Advocate.
For the Opposite Party : Mr. R.B.Roy, Raman, A.P.P.

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4. 12.12.2008. Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Sections 364, 302 and 201 read with Section 34 of the Penal Code which was initially registered as a complaint, whereunder it is alleged that petitioner along with his brother and three others had taken the victim to Calcutta wherefrom the petitioner, his brother and the three others returned but the victim is traceless.

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It is submitted on behalf of the petitioner that in the complaint petition five persons including Padarath Sah have been cited as witness but none of them has supported the prosecution story that victim had gone to Calcutta along with the petitioner, his brother and three others rather from the statement of Padarath Sah, recorded in paragraph 10 of the case diary it would appear that victim had gone along with Shivnath Sah, Gyani Sah and Baharan Ram, Accused Nos.1 2 and 3 and not with the petitioner and his brother.

In view of the statement of Padarath Sah recorded in paragraph 10 of the case diary as also the fact that petitioner is not accused in any other case, I direct that petitioner, namely, Manju Sah be released on bail on furnishing bail bond of Rs. 5000/- (Five

thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Chapra in connection with Masrakh P.S.Case No. 47 of 2006/Complaint Case No. 1579 of 2005, but before releasing him on bail the fact that he is not accused in any other case be verified by the court below and if it is found true then only he be released on bail.

(V.N.Sinha,J.)

P.K.P.

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